

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public	)	Application No. 911-017/PI-116
Service Commission, on its own motion,	)	
to establish interim policies for the	)	
Administration of the Enhanced Wireless	)	POST-HEARING COMMENTS
911 Fund pending implementation of	)	
LB 1222 [2006].	)	

N.E. Colorado Cellular, Inc., d/b/a/ Viaero Wireless (“Viaero”), is pleased to submit Post-Hearing Comments regarding the Commission Staff’s “Amended Proposed Interim Implementation Policy” (the “Amended Policy”) set forth in the Staff’s Comments in this Docket filed on June 30, 2006.

The Amended Policy revises several provisions of the Commission’s original Proposed Interim Implementation Policy set forth in the Order Opening Docket dated June 6, 2006 and adds several new provisions. Viaero wishes to briefly address several of those revisions and additions.

Phase I Funding

Viaero supports the limited language changes made to this provision and believes that they properly conform the previous language to the Amended Policy.

Phase II Funding

Viaero supports the revisions proposed by Staff in this provision as well. The Staff omitted the requirement that Phase I be completed statewide before Phase II requests would be considered. This change will give the Commission needed discretion to address circumstances where it is in the public interest to proceed with a request for funding for equipment relating to Phase II before all Phase I is implemented statewide, while still giving Phase I the highest priority.

### GIS Data Development and the Data Repository

This provision provides for the continued funding of GIS data until the adoption of a permanent funding mechanism, which Viaero supports. Viaero suggests clarifying to whom the GIS data developed by a PSAP must be provided. The provision implies that such data must be provided to the Commission, but it would be useful to clarify that point.

### General Procedures

Viaero does not support the Staff's addition of a public intervention and hearing process for all wireless service provider funding requests. Viaero does not believe that the implementation of such a procedural process is necessary or advisable and it does not appear to serve any meaningful public purpose. Rather, such a procedure would tend to delay valid reimbursements, and competitors would gain an unfair ability to gain access to proprietary information without justification.

It is routine for wireless service providers to submit funding requests to the Commission's Staff for review and processing. The information submitted usually contains confidential information regarding cost, equipment and tower deployment data, vendor information, implementation plans, and other confidential business information. The Commission's Staff, through existing Regulations and detailed internal policies, has the expertise and resources to verify each provider's information, compliance with regulatory requirements and consistent implementation of its infrastructure. The Staff has been extremely diligent in demanding accountability from providers at each step of this process and has frequently withheld reimbursement when documentation submitted in support of a service provider's request for funding has not been consistent, accurate or verifiable. The Commission's Staff has demonstrated careful stewardship of the available E-911 funds and has done so without

compromising the confidential nature of the proprietary business information submitted to the Commission in support of funding requests. The approval of E-911 funding requests is essentially an administrative function and should not be subjected to a public procedure when there is no evidence that such a procedure is necessary or would advance the public interest.

The implementation of a public process for E-911 funding requests will also serve to delay the rollout of the state's public safety infrastructure. If an interested party decides to intervene in a request for funding, the proposed Amended Policy provides for the initiation of a hearing on the intervention. This would come only after a 30-day publication process and the scheduling of the hearing will be subject to the calendar of the Commission and of the parties. Existing Commission rules of procedure also permit any hearing to include discovery and other procedural processes which could serve to further delay the determination of the validity of a carrier's request for funding.

Further, the Intervenor would most assuredly request access to confidential information in order to sustain any complaint or inquiry about the proposed request for funding, which would serve to undermine the ability of carriers to proceed with the important work of E-911 deployment while their confidential information is scrutinized by parties not otherwise entitled to such information, including potential competitors. Such a process would create needless and harmful opportunities for delay, increased costs and unnecessary interference from competitors. There is no evidence that such a process is needed under the current Commission procedures.

It should be noted that the Commission has the power to convene a public docket to address any subsequent problem with the Commission's current procedure or to address any future funding request which by its unique nature or size warrants further evaluation. Upon the recommendation of the Staff that additional inquiry is necessary, the Commission can further

consider its options and request public comment and involvement in defining an appropriate procedure or policy to address that particular situation.

Conclusion

For the reasons set forth above, Viaero requests that the Amended Policy be further revised as stated herein and that the Commission reject the implementation of the public intervention process suggested by the Staff as being unnecessary and serving no material public benefit.

Respectfully submitted this 31<sup>st</sup> day of July, 2006.

**N.E. COLORADO CELLULAR, INC.,  
d/b/a VIAERO WIRELESS**

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 31<sup>st</sup> day of July, 2006, an original, five copies and an electronic copy of the Comments of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, in Application No. 911-017/PI-116 were delivered to:

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